

Remarks

Applicant requests reconsideration and allowance of this application in view of the foregoing amendments and the following remarks. Claim 1 has been amended and new claims 2 through 43 have been added. No new matter has been added as the new claims are fully supported by the disclosure.

Claim Objections:

Claim 1 has been objected to based on the language of "the vertical length." This language has now been deleted from the claim.

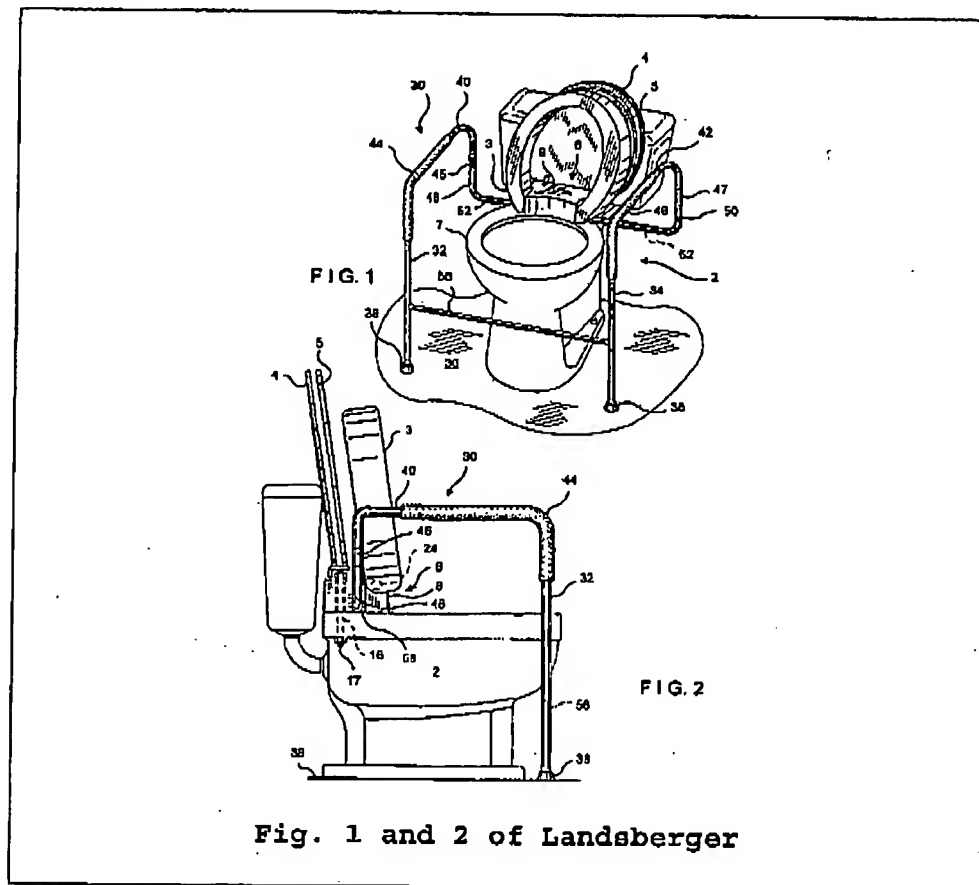
Claim Rejections:

Claim 1 stands rejected as being obvious under 35 U.S.C. § 103 in view of the combination of US Pat. No. 5,920,917 to Landsberger (hereinafter "Landsberger"), US Pat. No. 4,343,052 to Guenther (hereinafter "Guenther II") and US Pat. No. 4,144,597 to Guenther (hereinafter "Guenther I").

In this regard, claim 1 has been amended to more clearly describe the invention. Claim 1 describes a commode safety frame having side frames and rails that each include circular tube portions that transition to non-circular tube portions. Claim 1 also describes that side frames and rails in releasable communication with each other and wherein the non-circular tube portions thereof

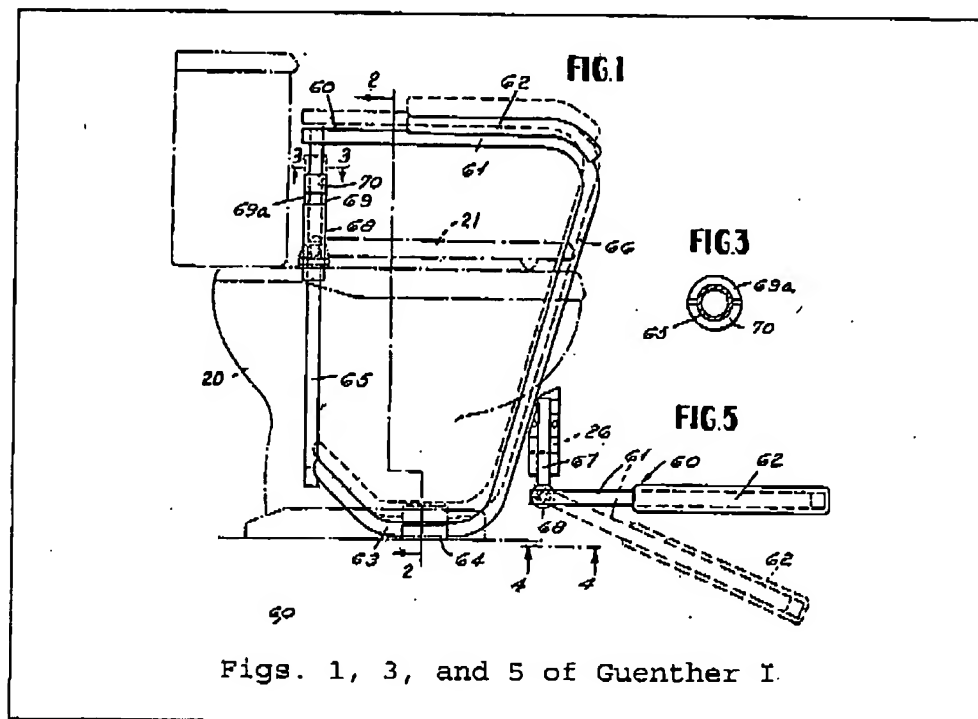
mate with each other. It is respectfully submitted that the prior art fails to teach or suggest side frames and rails in releasable communication with each other and wherein the non-circular tube portions thereof mate with each other.

More specifically, Landsberger is directed to "a toilet height conversion structure for use in combination with a support frame" of a toilet (col. 1, lines 48-50). Figures 1 and 2 of Landsberger are representative of the disclosed structure and are reproduced below for convenience:



In this regard, The Office Action admits that Landsberger fails to disclose any non-circular tube portions (Office Action, page 2).

Guenther 1 is directed to a toilet support having "hand engaging portions for movement into and out of operative position and for ready access to the area surrounding the toilet bowl for cleaning and the like" (col. 1, lines 35-38) (emphasis added). Figures 1, 3 and 5 are representative of the support and are reproduced below for convenience.

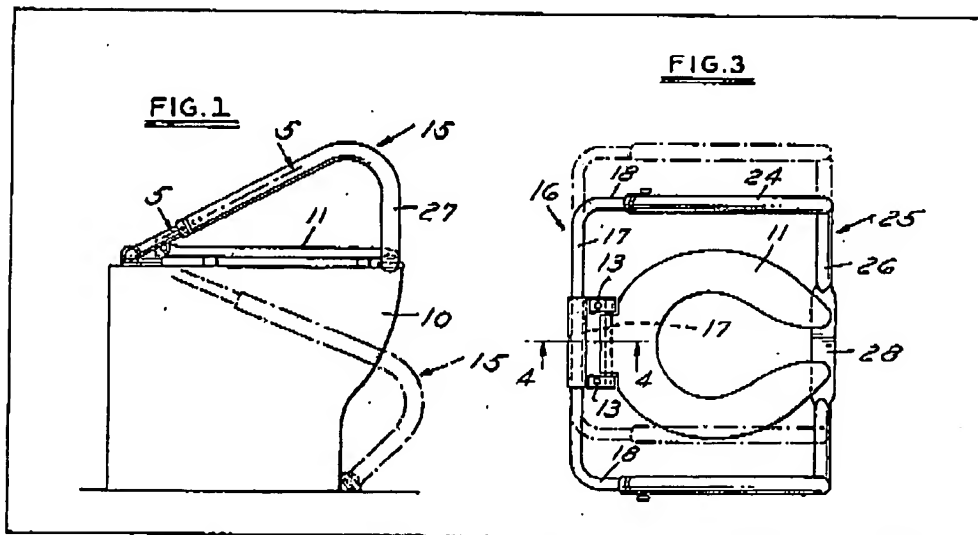


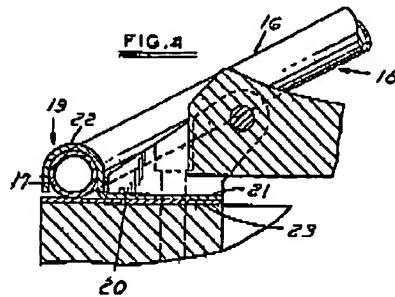
It appears that Guenther I requires circular tube portions that mate in order to achieve the required function of allowing the side frames to swing into and out of operative

position for accessing the area surrounding the toilet bowl for cleaning.

It is respectfully submitted that one of ordinary skill in the art would not be motivated to modify these circular tube portions to non-circular tube portions because this would most likely defeat the ability of the side frames to swing into and out of operative position. Hence, while Guenther I may show side frames and rails that mate with each other, it is respectfully submitted that Guenther I fails to teach or suggest non-circular tube portions of the side frames and rails mating with each other.

Guenther II fails to cure this deficiency. Guenther II is also directed to a toilet support. Figures 1, 3 and 4 are representative of the support and reproduced below for convenience.





Figs. 1, 3, and 4 of Guenther II

Guenther II appears to show all circular tube portions. It is respectfully submitted that Guenther II does not teach or suggest, among other things, non-circular tube portions of side frames and rails mating with each other.

With respect to new claims 2-42, these claims are respectfully submitted to be patentable for at least the same reasons as claim 1.

CONCLUSION

Based on the foregoing amendments and the remarks, the Applicant believes that all of the claims in this application are now in a condition for allowance and an indication to that effect is earnestly solicited. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this application, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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